

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 29, 2008

D052348 People v. Ramirez

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the three-year term for the prior conviction (Health & Saf. Code, § 11370.2, subd. (c)) and to forward the amended abstract of judgment to the Department of Corrections and Rehabilitation. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D053776 In re Mizicko on Habeas Corpus

The petition for writ of habeas corpus, response and reply have been read and considered by Justices Huffman, McDonald and McIntyre. The petition is denied without prejudice. Petitioner should seek review in the superior court before filing in this court.

D052477 In re Mizicko on Habeas Corpus

The petition for writ of habeas corpus, response and reply have been read and considered by Justices Huffman, McDonald and McIntyre. The petition is denied as moot in light of the subsequent hearing in July 2008 before the Board of Parole Hearings.

D052021 Bellizzi v. San Diego County Civil Service Commission et al.

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D051812 Robinson et al. v. Goebel

The opinion filed September 18, 2008, is modified. No change in judgment.

D053581 In re Foster on Habeas Corpus

The petition is denied.

D053343 In re Enriquez

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 30, 2008

D053601 In re Solla on Habeas Corpus

The petition is denied.

D052149 Thomas v. Herring Broadcasting Co.

The order denying Thomas's motion under Code of Civil Procedure, section 473, subdivision (b) for relief from the deadline set forth in California Rules of Court, rule 3.17029b)(1) is reversed, and Thomas shall be granted the relief she requested. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

D051955 Starboard Street, LLC v. Venture Commerce Center-Eastlake

The order is affirmed. The Association is entitled to costs on appeal. McConnell, P.J.; We Concur: McDonald, J., Aaron, J.

D050316 Noland v. Ralphs Grocery Company

The order is affirmed. Ralphs is entitled to its costs on appeal. Noland shall bear her own attorney fees on this appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D050962 Gober et al. v. Ralphs Grocery Company

The order is affirmed. Ralphs is entitled to its costs on appeal. Plaintiffs shall bear their own attorney fees on this appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D052182 People v. Noland

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Huffman, J.

D053495 In re Saucedo on Habeas Corpus

The petition is denied.

D053376 Icon, LLC v. Superior Court of San Diego County/Ledcor Builders, Inc.

The petition is denied.

D053330 In re Brown on Habeas Corpus

The petition is denied.

D053749 People v. Superior Court of San Diego County/Jernigan

The petition is denied.

D053336 Target Stores et al. v. Superior Court of San Diego County/Workers' Compensation Appeals Board and Michelle A. Mejia

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 30, 2008 (Continued)

D053780 Lopez v. Superior Court of Imperial County/People
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 1, 2008

D053106 People v. Cole

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316).

D050783 Sigelman et al. v. Lawyers' Mutual Insurance Company

Reversed with directions to conduct further proceedings to issue declaratory relief in accordance with the views expressed in this opinion.

D053756 In re Jesus B., a Juvenile

The notice of appeal received on September 9, 2008, has been reviewed by Associate Justices McIntyre, Presiding Justice McConnell and Associate Justice Haller. The notice of appeal is untimely. The case is accordingly dismissed.

D051722 People v. Blevins

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Huffman, J.

D052982 Finkelstein v. Bastuba et al.

The motion to dismiss the appeal from the December 15, 2006, order granting Urologix, Inc.'s motion to quash service of summons is GRANTED. The appeal as to respondent Urologix, Inc. is DISMISSED. Appellant's motion for sanctions is DENIED.

D051408 Dornbirer v. Kaiser Foundation Health Plan Inc., et al.

Petition for rehearing denied. The claim based on misspelling of appellant's name was clerically corrected for official publication of the opinion.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 2, 2008

D053571 In re Jackson on Habeas Corpus

The petition is denied without prejudice to refile in the San Diego Superior Court.

D053781 Thomas v. The Superior Court of San Diego County/People

The petition is denied.

D051447 Federal Deposit Insurance Corporation v. Dintino

Order certifying opinion for publication and denying rehearing.

D053627 Selinger v. Rambo

Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)

D049716 People v. Cortez et al.

D050592 People v. Cortez et al.

The judgment is reversed as to the defendants' sentences on count 1. The defendants' sentences are vacated, and the matter is remanded for resentencing in accordance with the directions provided in part III.C.2., ante. In all other respects, the judgment is affirmed. Aaron, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

D051791 People v. McRae

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D053748 Santillan v. The Superior Court of San Diego/The People

The petition is denied.

D053650 H.H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner H. H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 3, 2008

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Cynthia Aaron
Clerk: D. Moore

D052732 In re B.T. et al., Juveniles

Cause called on merits. Andrea St. Julian, Esq. argued for appellant, E.G. Cristina Gabrielidis, Esq. argued for appellant, M.T. Paula Roach, Deputy County Counsel argued for respondent. Amanda Benedict, Esq. argued for the minor. Ms. St. Julian replied. Ms. Gabrielidis replied. Cause to be submitted at a later date.

Court recessed at 9:35 a.m. until Tuesday, October 7, 2008 at 9:00 a.m.

D052944 Monex Casa De Bolsa, S.A., DE C.V. et al. v. Batiz et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D049805 Milles et al. v. U.S. Bank

The petition for rehearing is denied.

D051096 People v. Shaya

The judgment is affirmed. The trial court is directed to correct the abstract of judgment in accordance with this opinion and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

D052990 The People v. Life Insurance Company of North America et al.

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

D049656 People v. Chaidez

The petition for rehearing is denied.

D050346 People v. Hogan

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 3, 2008 (Continued)

**D053703 Douglas F. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner Douglas F. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.